

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

FILED
MAR 02 2010
[Signature]

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

DOMINIC STONEMAN,

Defendant.

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CR. 09-30101-RAL


REPORT AND RECOMMENDATION
FOR DISPOSITION OF DEFENDANT'S
MOTION TO SUPPRESS

Defendant, Dominic Stoneman, has filed a Motion to Suppress, Docket No. 20. Because Defendant's Motion is a dispositive one, this Court is only authorized to determine the same on a report and recommendation basis. See 28 U.S.C. §636(b)(1). Based on the findings, authorities and legal discussion made on the record at the March 2, 2010 hearing, the Court hereby

RECOMMENDS that Defendant's Motion be granted in part and denied in part. The Motion is granted to the extent that it seeks to suppress certain post-arrest statements made to Sergeant Kory Provost, concerning where Defendant was when the fire broke out and how he obtained a cut on his hand as substantive evidence, but the Motion is denied to the extent that the same seeks to suppress these statements as impeachment evidence and insofar as it seeks to suppress all other statements he made to Sergeant Provost and Special Agent Calvin Waln on June 10, 2009.

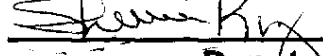
Dated this 2nd day of March, 2010, at Pierre, South Dakota.

BY THE COURT:



**MARK A. MORENO
UNITED STATES MAGISTRATE JUDGE**

**ATTEST:
JOSEPH HAAS, CLERK**

BY: 
Deputy

(SEAL)

NOTICE

Failure to file written objections to the within and foregoing Report and Recommendations for Disposition within fourteen (14) days from the date of service shall bar an aggrieved party from attacking such Report and Recommendations before the assigned United States District Judge. See 28 U.S.C. § 636(b)(1).